

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF **PETER CHENG ET AL.**

**FOR: SUBSTITUTED HETEROCYCLIC DERIVATIVES USEFUL AS ANTIDIABETIC
AND ANTI OBESITY AGENTS AND METHOD**

APPLICATION NO: **10/616,365**

APPLICATION DATE: **07/08/2003**

PATENT NO: **7,279,485**

PATENT GRANT DATE: **10/09/2007**

ART UNIT: **1624**

EXAMINER: **TUCKER, ZACHARY C.**

CONFIRMATION NO: **2318**

USPTO CUSTOMER NO: **23914**

TRANSMITTED VIA EFS-WEB

Certificate of Corrections Branch

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION FOR U.S. PATENT NO. 7,279,485
FOR USPTO'S MISTAKE (37 C.F.R. §1.323)

Sir:

Attached is Form PTO-1050.

The exact page and line number where the errors are shown correctly in the application file
Serial No. 10/616/365 (which issued into U.S. Patent No. 7,279,485) are as follows:

In patented Claim 6 (original Claim 13), the following compounds must be deleted since they were deleted in Claim 13 of the Amendment mailed January 19, 2006:

Claim 6, Col. 451, delete first compound.

Amendment of January 19, 2006, Claim 13, page 8, first compound

Col. 453, delete first and third compounds.

Amendment of January 19, 2006, page 9, left column, second compound and fourth compound.

Col. 454, delete first and fourth compounds.

Amendment of January 19, 2006, page 9, right column, second compound and fifth compound.

Col. 455, delete fourth compound.

Amendment of January 19, 2006, page 11, left column, first compound.

Col. 457, delete sixth, seventh and eighth compounds (last 3 compounds).

Amendment of January 19, 2006, page 12, left column, second compound, right column, second compound, right column, third compound.

Col. 458, delete fourth and fifth compounds (last two compounds).

Amendment of January 19, 2006, page 12, left column, third compound and fourth compound.

Col. 459, delete first, second and third compounds.

Amendment of January 19, 2006, page 12, right column, fourth compound, right column, fifth compound, page 13, right column, first compound.

Col. 460, delete first, second, third and fourth compounds.

Amendment of January 19, 2006, page 12, left column, last compound, page 13, left column, second compound, right column, second compound.

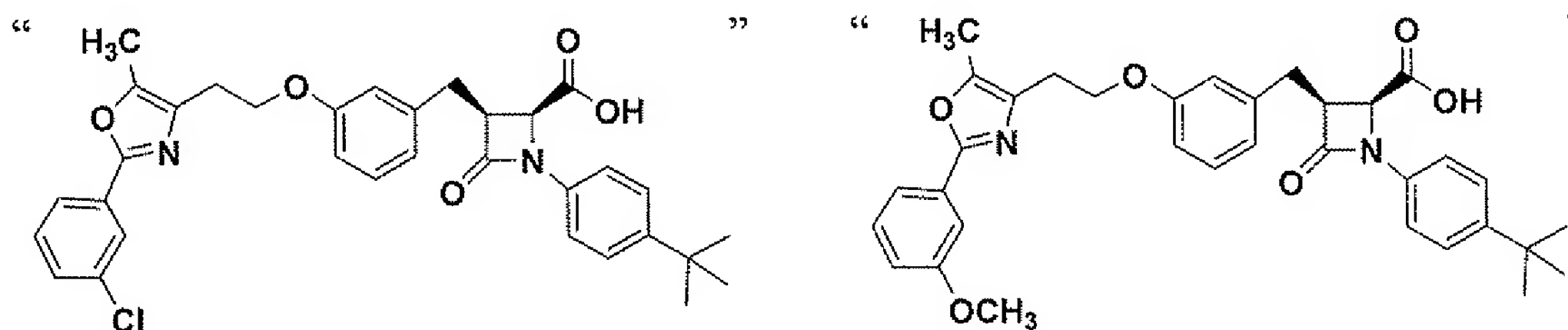
Col. 461, delete first and second compounds.

Amendment of January 19, 2006, page 13, right column, fifth compound, left column, last compound.

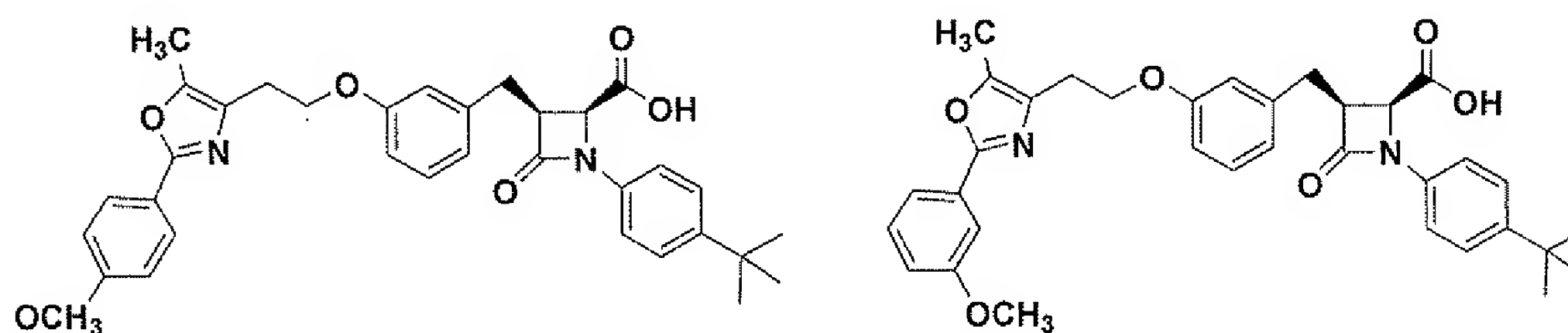
Col. 462, delete first compound

Amendment of January 19, 2006, page 13, right column, last compound.

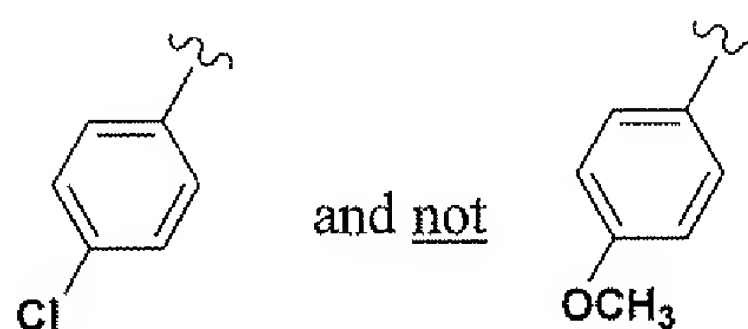
In the original Claim 13, at page 539 of the subject application, left hand column, third compound, and right hand column, third compound, the following compounds are claimed:



In preparing the Amendment mailed January 19, 2006, Applicants erroneously and inadvertently mistakenly set out at page 13, left hand column, first compound and right hand column, first compound (which correspond to original Claim 13, page 539, left column, third compound and right column, third compound)



As can be seen, these two compounds are identical. In fact, as seen above, in the left hand column, the compound should have the moiety



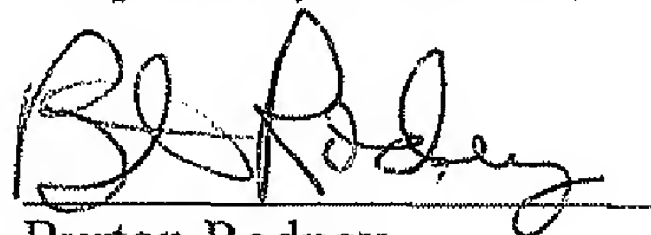
Furthermore, as seen in the Amendment of January 19, 2006, page 13, the first compounds in each of the left and right hand columns are deleted.

It was Applicants' intention to delete the original compound of Claim 13, page 539, left column, third compound, which is now present in Col. 460, second compound. Thus, this second compound as Col. 460 should be deleted.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

Date: *June 16, 2009*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Burton Rodney", written over a horizontal line.

Burton Rodney
Attorney for Applicants
Reg. No.: 22,076
Phone: 609-252-4336

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 7,279,485
DATED: : October 9, 2007
INVENTOR(S) : Peter T. Cheng et al.

Page 1 of 1

It is certified that there is an error in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Claim 6, Col. 451, delete first compound.
Col. 453, delete first and third compounds.
Col. 454, delete first and fourth compounds.
Col. 455, delete fourth compound.
Col. 457, delete sixth, seventh and eighth compounds (last 3 compounds).
Col. 458, delete fourth and fifth compounds (last two compounds).
Col. 459, delete first, second and third compounds.
Col. 460, delete first, second, third and fourth compounds.
Col. 461, delete first and second compounds.
Col. 462, delete first compound.

MAILING ADDRESS OF SENDER:

PATENT NO. 7,279,485

Burton Rodney
Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
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(609) 252-4336

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF **PETER CHENG ET AL.**

**FOR: SUBSTITUTED HETEROCYCLIC DERIVATIVES USEFUL AS
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REQUEST FOR CERTIFICATE OF CORRECTION FOR U.S. PATENT NO. 7,279,485
FOR APPLICANT'S MISTAKE (37 C.F.R. §1.323)

Sir:

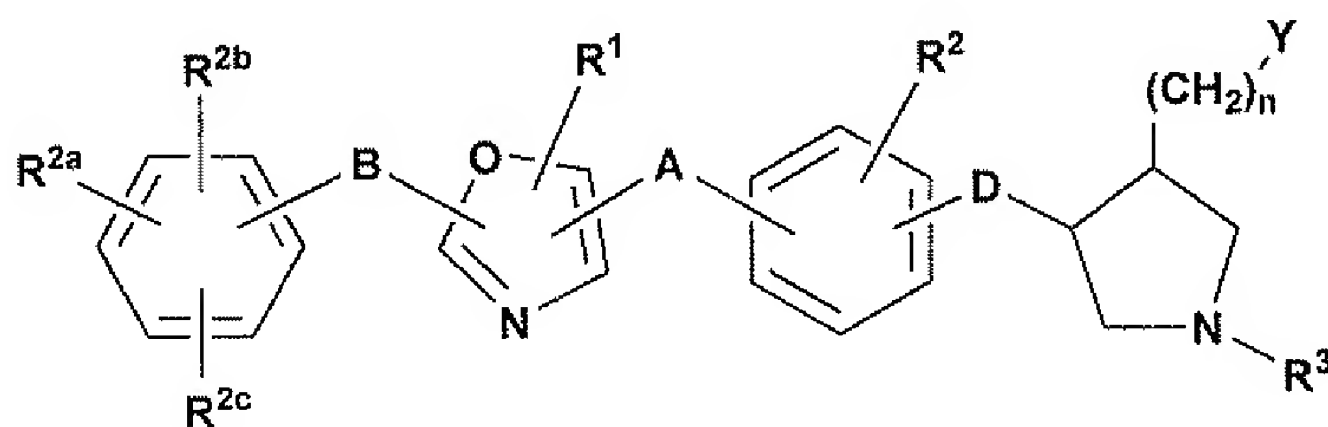
Attached is Form PTO-1050.

The exact page and line number where the errors are shown correctly in the application file Serial No. 10/616,365 (which issued into U.S. Patent No. 7,279,485) are as follows:

CORRECTION IN U.S. PATENT NO. 7,279,485 (basis in application)In the Claims:

Col. 451, Claim 1, lines 7 to 17, please replace the formula with the following:

(Amendment mailed January 19, 2006, page 17)

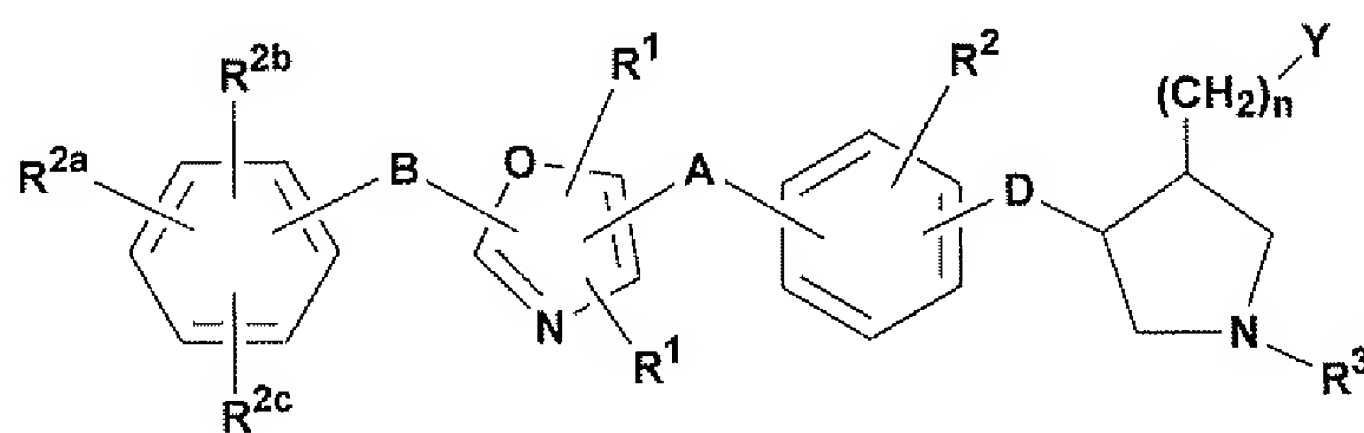


The above correction is necessary because of an inadvertent obvious error by Applicants which is regretted.

As seen on page 17 of the Amendment mailed January 19, 2006 in response to the Official Action mailed October 11, 2005,

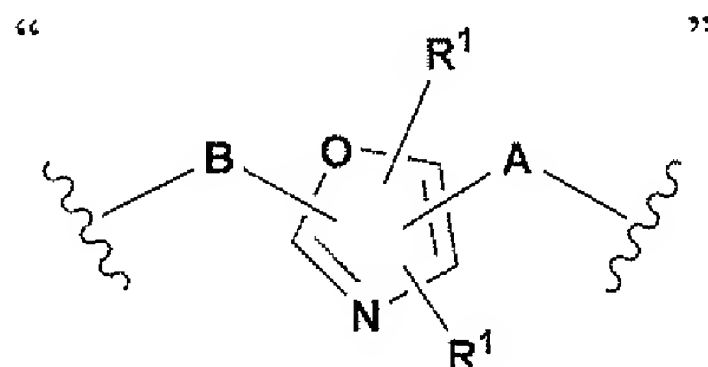
“Applicants, in a telephone election, elected for prosecution the compound of Example 170 as set out above.

Applicants elect Group I Claims 1 to 16 (in part). Thus, the elected compounds will have the structure

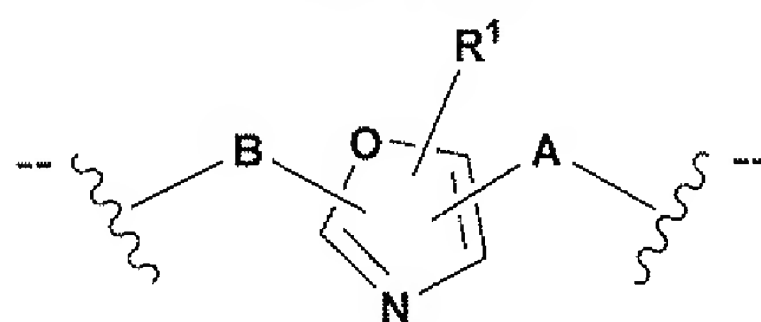


The claims have been amended to cover the elected compounds of Group I.”

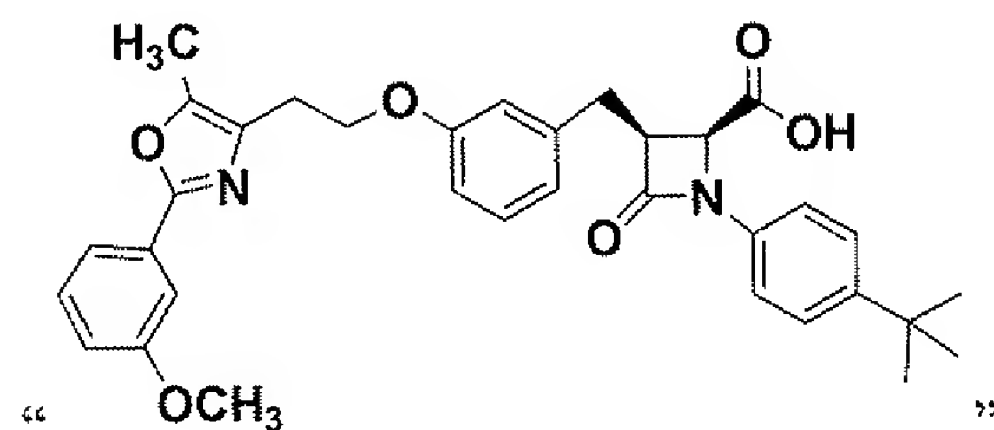
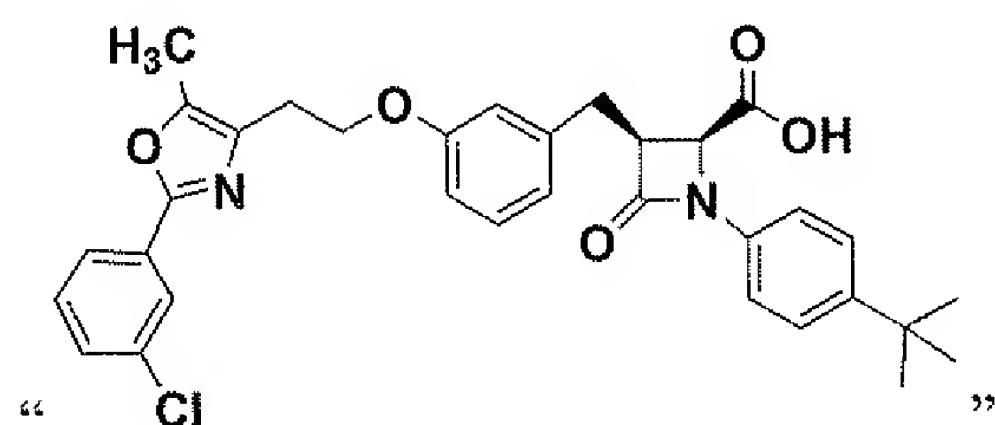
In fact, in amending Claim 1, as seen in the Amendment mailed January 17, 2006, Applicants inadvertently included two R¹ groups on the oxadiazole, that is,



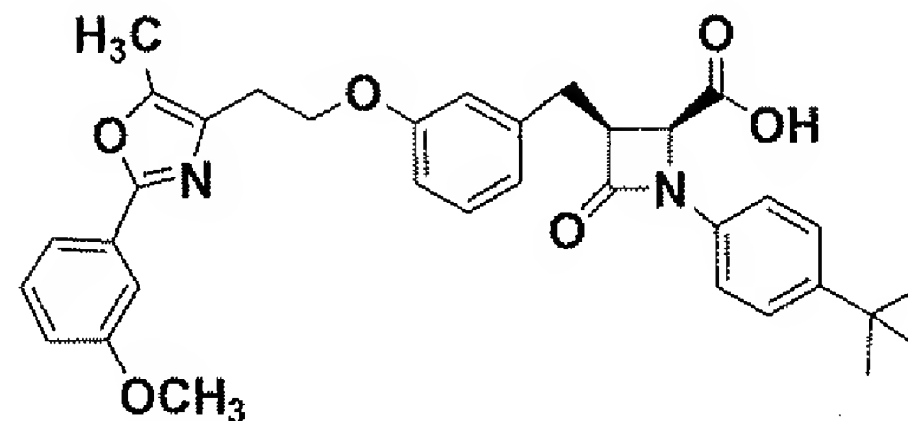
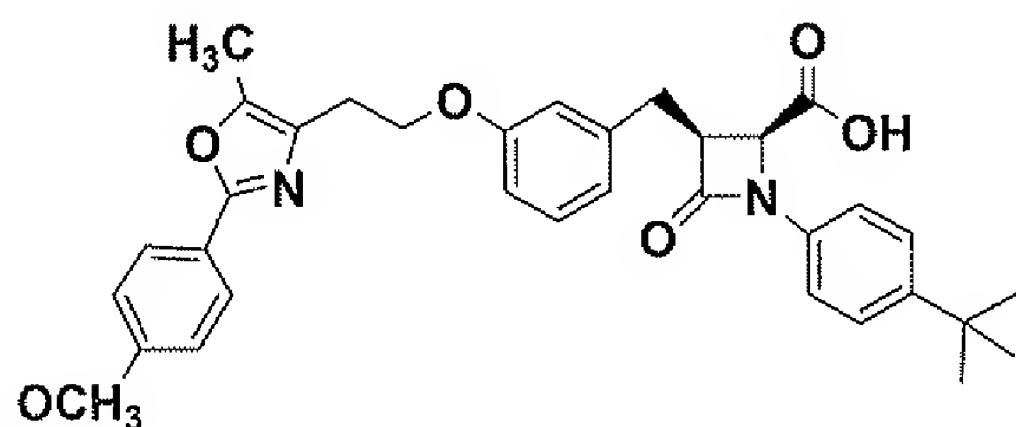
when there should have been only 1 R¹ group, that is,



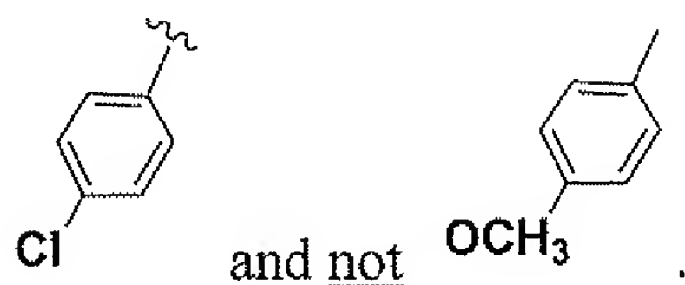
In the original Claim 13, at page 539 of the subject application, left hand column, third compound, and right hand column, third compound, the following compounds are claimed:



In preparing the Amendment mailed January 19, 2006, Applicants erroneously and inadvertently mistakenly set out at page 13, left hand column, first compound and right hand column, first compound (which corresponds to original Claim 13, page 539, left column, third compound and right column, third compound)



As can be seen, these two compounds are identical. In fact, as seen above, with respect to original Claim 13, at page 539, in the left hand column, the compound should have the moiety



Furthermore, as seen in the Amendment of January 19, 2006, page 13, first compounds in each of the left and right hand columns are deleted.

It was Applicants' intention to delete the original compound of Claim 13, page 539, left column, third compound, which is now present in Col. 460, second compound. Thus, this second compound at Col. 460 should be deleted.

Accordingly, it is respectfully requested that the attached Certificate of Correction be approved and be included as part of the subject U.S. Patent No. 7,279,485.

Inasmuch as that this error was incurred by the Applicants, a fee is believed to be due. Please charge such fee to Deposit Account No. 19-3880 of the undersigned.

Please send the Certificate to the address associated with customer account number 23914.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000

Date: June 16, 2009

Respectfully submitted,

Burton Rodney
Attorney for Applicants
Reg. No.: 22,076
Phone: 609-252-4336

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

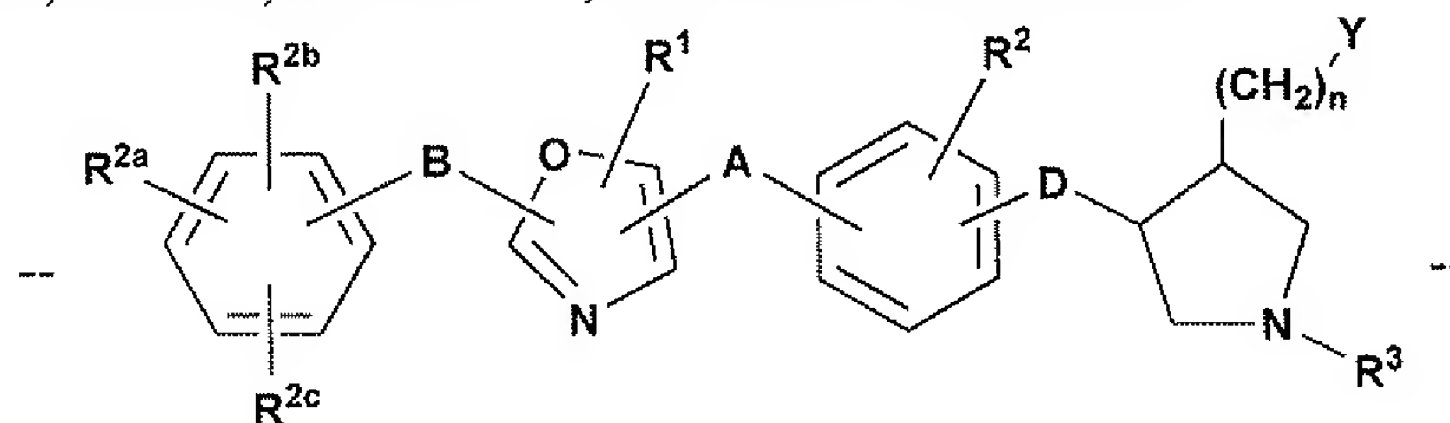
PATENT NO : 7,279,485
 DATED: : October 9, 2007
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Page 1 of 1

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In the Claims:

Col. 451, Claim 1, lines 7 to 17, the formula should read:



Col. 460, delete second compound.

MAILING ADDRESS OF SENDER:

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PATENT NO. 7,279,485